

REMARKS

In response to the Office Action mailed November 18, 2005, the Applicants respectfully request reconsideration. Claims 1-3, 5, 7-20, 22-31, 33, 78-92 and 106-128 were previously pending in this application. Claims 122-125 are withdrawn. Claims 17, 91, 109, 115, 116 and 119-121 have been amended. No claims have been cancelled. As a result claims 1-3, 5, 7-20, 22-31, 33, 78-92, 106-121 and 126-128 are pending for examination with claims 1, 17, 83, 92, 109, 115-117 and 121 being independent claims. No new matter has been added.

Regarding the Examiner's Response to Arguments

Applicants gratefully acknowledge the Examiner's recognition of Applicants' arguments as being persuasive and the Examiner's withdrawal of the rejection of claims 1-3, 7, 8, 11, 13, 16-20, 22, 23, 25-29, 31, 78-81, 83, 86-92, 107 and 108 under 35 U.S.C. §103(a). The Examiner further noted that all other arguments with respect to claims 1-3, 5, 7-20, 22-31, 33, 78-92, 107-121, 126-128 are moot in view of the new ground(s) of rejection. As addressed hereafter, claims 17-20, 22-31, 33, 87, 89 and 108 are rejected under 35 U.S.C. §101. However, the Office Action contains no rejections to claims 1-3, 5, 7-16, 78-86, 88, 90, 92 and 107. Applicants' below signed Attorney conducted a telephone interview with the Examiner on February 9, 2006, in order to clarify the Examiner's intent. Upon review, the Examiner indicated that the limitations recited in independent claims 1, 17, 83 and 92, particularly the limitation:

wherein the display interface is adapted to display a grid, wherein the at least one lighting unit is represented at a first position along a first axis of the grid, wherein at least one continuous time interval is represented along a second axis of the grid, and wherein a representation of the at least one selected lighting effect during the at least one continuous time interval is displayed on the grid adjacent to the first position and parallel to the second axis,

were not found in the prior art. Based on there being no further rejections of claims 1, 83 and 92, and further based on the remarks below with respect to claim 17, claims 1, 17, 83 and 92 are in condition for allowance. Claims 2, 3, 5, 7-16, 18-20, 22-31, 33, 78-82, 84-91, 107 and 108 depend directly or indirectly on independent claims 1, 17 and 83. Based on the amendment to claim 91, discussed hereinafter, and based at least on dependency, claims 2, 3, 5, 7-16, 18-20, 22-31, 33, 78-82, 84-91, 107 and 108 are allowable. Accordingly, allowance of claims 1-3, 5, 7-20, 22-31, 33, 78-91, 107 and 108 is respectfully requested.

Regarding the Drawings

The drawings have been objected to under 37 C.F.R. 1.83(a). The Examiner contends that the controller disposed within the processor (claim 84), specifying a priority depending on a cue (claims 118 and 119) and the external stimuli being light, brightness and/or color must be shown. With regard to claim 84, Applicants amend the specification to more clearly describe the illustration of the system of Fig. 1. With regard to the priority, cue and external stimuli, Applicants refer the Examiner to Fig. 8, wherein specifying a priority is illustrated, and to Fig. 6, wherein the cue table 630 and external input 668 (or external stimuli) are illustrated. The corresponding disclosure in the specification describes the interaction of cues, priorities and external stimuli and describes exemplary external inputs. Applicants submit that, in light of the amendment to the specification and the foregoing remarks, the drawings show every feature specified in the claims and reconsideration is respectfully requested.

In addition, Applicants enclose formal drawings Figs. 7 and 8 to replace the corresponding originally filed informal drawings, as provided on the enclosed Letter to Official Draftsperson.

Rejections Under 35 U.S.C. §112, second paragraph

In sections 4 and 5 of the Office Action, the Examiner objected to claims 91 and 120 under 35 U.S.C. §112, second paragraph, as being indefinite, indicating that claim 91 depends from a canceled claim and that there is insufficient antecedent basis for the term “the same priority” in claim 120. Applicants amend claim 91 to now depend from claim 20 and amend claim 120 to provide proper antecedent basis for all terms in the claim. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §101

In section 6 of the Office Action, the Examiner rejected claims 17-20, 22-31, 33, 87, 89 and 108 under 35 U.S.C. §101 paragraph, contending the claimed invention is directed to non-statutory subject matter. While Applicants disagree with the Examiner’s contention, in order to advance prosecution of the application Applicants amend claim 17 as suggested by the Examiner. In addition, Applicants refer the Examiner to the aforementioned remarks regarding

the Examiner's Response to Arguments. Based on the above, Applicants submit that claim 17, as amended is in condition for allowance. Claims 18-20, 22-31, 33, 87-91 and 108 depend from claim 17 and are allowable at least by dependency. Accordingly, allowance of claims 17-20, 22-31, 33, 87-91 and 108 is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

In section 7 of the Office Action, claims 116 and 121 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,962,687, to Belliveau, et al. (hereinafter Belliveau). In section 8 of the Office Action, claims 115, 116 and 121 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,947,302, to Callahan (hereinafter Callahan). In section 9 of the Office Action, claims 115-121 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,307,295, to Taylor, et al. (hereinafter Taylor). Applicants disagree and traverse the rejections under 35 U.S.C. §102(b).

Regarding Claims 115, 116 and 121

Claims 115, 116 and 121, as amended, each recite, at least in part, a system for preparing a lighting sequence, comprising "...a processor...supporting a sequence authoring interface adapted to permit a user to select at least one lighting effect and at least one LED lighting unit to execute the at least one selected lighting effect...." Neither Belliveau, Callahan, nor Taylor teach or suggest the use of LED lighting units. Accordingly, reconsideration of claims 115, 116 and 121 is respectfully requested.

Regarding Claim 117

Claim 117 recites, at least in part, a sequence authoring interface "...adapted to permit the user to specify a priority for a first lighting effect which shares a temporal overlap with a second lighting effect." The Office Action contends that Taylor teaches such a sequence authoring interface. Applicants disagree. Taylor describes storing parameter information as a cue for later retrieval. The cue may be recalled by entering its associated number. Once the cue is initiated, the lights adopt the state that their corresponding model objects were in when the cue was stored. Taylor does not teach or suggest specifying priorities. In fact, Taylor does not teach or suggest lighting effects that share a temporal overlap. As described in Taylor, a cue is merely

a means of storing a state of a lighting system for later recall. If a lighting design requires a particular state that has been previously stored as a cue, the operator can merely recall the cue by its associated number instead of programming each individual lighting unit for that state. There is no description in Taylor of temporal overlaps of effects, much less of specifying priorities for effects having a temporal overlap. Accordingly, claim 117 is patentable over Taylor and allowance is respectfully requested. Claims 118-120 and 126-128 depend directly or indirectly from claim 117 and are allowable at least by dependency.

Rejections Under 35 U.S.C. §103(a)

In section 10 of the Office Action, claims 109-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Taylor in view of U.S. Patent No. 6,031,343, to Recknagel, et al. (hereinafter Recknagel). In section 11 of the Office Action, claims 126-128 were rejected under 35 U.S.C. §103(a) as being unpatentable over Taylor or Belliveau as applied to claim 121, and further in view of U.S. Patent No. 6,495,964, to Muthu, et al. (hereinafter Muthu). Applicants disagree and traverse the rejections under 35 U.S.C. §102(b).

Regarding Claim 109

Claim 109, as amended, recites a system for preparing a lighting sequence, “wherein the at least one lighting unit includes at least one LED lighting unit capable of emitting light of any of a range of different colors, and wherein the sequence authoring interface is adapted to permit the user to specify priorities for a sequence of colors of the light emitted by the at least one LED lighting unit.”

The Office Action concedes that Taylor fails to teach a system wherein the lighting unit includes an LED capable of emitting light of any of a range of different colors, and wherein the sequence authoring interface is adapted to permit the user to select an initial/final/range of color of light emitted by the LED. The Office Action contends that Recknagel teaches analogous art, including a LED lighting unit capable of emitting light of any of a range of different colors, wherein a sequence authoring interface is adapted to permit the user to select an initial/final/range of color of light emitted by the LED. However, in the claims cited by the Examiner, specifically claims 10, 23 and 27, Recknagel does not teach or suggest a sequence authoring interface. As set forth in MPEP § 2143, to establish a *prima facie* case of obviousness,

at the least the references must teach or suggest all of the claimed features. Since neither Taylor nor Recknagel, alone or in combination, teach or suggest a sequence authoring interface adapted to permit the user to select an initial/final/range of color of light emitted by the LED, claim 109 is patentable over Taylor in view of Recknagel. Accordingly, allowance of claim 109 is respectfully requested. Further, Recknagel does not teach or suggest specifying priorities for a sequence of colors, as recited in amended claim 109. Accordingly, and at the least, reconsideration of claim 109 is requested. Claims 110-114 depend directly or indirectly from claim 109 and allowance/reconsideration of claims 110-114 also is respectfully requested.

Regarding Claims 126-128

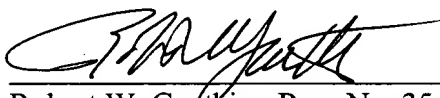
Claims 126-128 are dependent directly or indirectly on claim 117. As provided in the above remarks regarding claim 117, claims 126-128 are allowable at least by dependency. Accordingly, the rejection of claims 126-128 under 35 U.S.C. §103(a) are deemed moot.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: February 21, 2006
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600


Robert W. Gauthier, Reg. No. 35,153
Attorney for Applicants
Tel. No. (617) 832-1175
Fax. No. (617) 832-7000